

House File 310 - Introduced

HOUSE FILE 310

BY LOFGREN

A BILL FOR

- 1 An Act relating to the division of retirement and pension
- 2 accounts in a dissolution of marriage.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.21, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. *Retirement and pension or defined*
4 *benefit accounts.*

5 a. With the exception of a pension or defined benefit
6 account, retirement accounts shall be divided based on the
7 value of the account on the date of the entry of the final
8 decree, unless otherwise agreed to by both parties. The
9 party who is not the account holder shall receive the amount
10 specified in the final decree based upon the account's value
11 on the date of the entry of the final decree and the amount
12 shall not be subject to market fluctuations following the entry
13 of the decree. If the party holding the retirement account
14 elects to place the account in a safe or guaranteed market,
15 the party shall not be subject to claims that the party failed
16 to take reasonable steps to maximize the potential return on
17 investments.

18 b. Pension or defined benefit accounts shall be divided
19 based on the value as of the date of entry of the final decree,
20 subject to the divisions method specified in the decree, unless
21 another date is otherwise agreed to by the parties.

22 EXPLANATION

23 This bill relates to the division of retirement and pension
24 accounts in a dissolution of marriage. The bill directs that,
25 with the exception of a pension or a defined benefit account, a
26 retirement account is to be divided based on the value of the
27 account on the date of the entry of the final decree, unless
28 otherwise agreed to by the parties. The amount is not subject
29 to market fluctuations following entry of the decree and if the
30 party holding the retirement account may elect to place the
31 account in a safe or guaranteed market without being subject to
32 claims that the party failed to maximize the potential return
33 on the investment. Under the bill, pensions or defined benefit
34 accounts are to be divided based on the value as of the date
35 of entry of the final decree, and are subject to the method of

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1 division specified in the decree, unless another date is agreed
2 to by the parties.